

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: August 9, 2018

Agenda Item: New Rule I: Grizzly Bear Demographic Objectives for the NCDE

Division: Wildlife

Action Needed: Proposed

Time Needed on Agenda for this Presentation: 30 mins

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Background: The Northern Continental Divide Ecosystem is one of six recovery areas identified in the Grizzly Bear Recovery Plan. Grizzly bears in the NCDE are currently listed as threatened under the Endangered Species Act, although they have met their recovery criteria and may be proposed for delisting in the near future. The NCDE includes Glacier National Park, parts of the Flathead and Blackfeet Indian Reservations, parts of five national forests, Bureau of Land Management lands, and state and private lands. Recovery of the grizzly bear in the NCDE has been focused on a core recovery zone and a buffer area around it, identified as Zone 1. Together, these zones make up the Demographic Monitoring Area, where the objective is continual occupancy by grizzly bears, facilitated by maintenance of compatible habitat conditions and population criteria. The DMA encompasses more than 16,000 square miles (or 42,000 square kilometers).

Managers from federal and state agencies and the tribes have developed a draft “Conservation Strategy for the Grizzly Bear in the Northern Continental Divide Ecosystem,” which is intended to guide management of grizzly bears once they are delisted. All are expected to sign the Conservation Strategy, thereby agreeing to use their respective authorities to maintain and enhance the recovered status of the grizzly bear in the NCDE after delisting by implementing respective regulatory mechanisms, interagency cooperation, population and habitat management and monitoring, and other provisions.

To delist a species or distinct population segment of a species from the ESA, there must be adequate regulatory mechanisms in place to ensure that it will not once again become threatened or endangered. Montana is proposing to adopt the demographic objectives of the NCDE Conservation Strategy into administrative rule to demonstrate Montana’s commitment to maintaining a recovered grizzly bear population in the NCDE, as well as strengthen the regulatory mechanisms associated with population management.

Public Involvement Process & Results: The U.S. Fish & Wildlife Service has already taken public comment on an earlier Conservation Strategy draft. An updated Conservation Strategy has now been prepared that incorporates many of the comments received and new available science. If the commission votes to propose the administrative rule language, the public will be provided an opportunity to comment in writing and at public hearings pursuant to the Montana Administrative Procedure Act.

Alternatives and Analysis: Proposing the rule language would provide the public an opportunity to comment on the demographic objectives as detailed in the Conservation Strategy. If the commission adopts the proposed rule language, Montana would strengthen its regulatory mechanisms and better demonstrate its commitment to maintaining a recovered grizzly bear population in the NCDE.

Not proposing or adopting the rule language would leave the Conservation Strategy in place but would not add to the strength of Montana’s regulatory mechanisms.

Agency Recommendation & Rationale: The department recommends the commission propose the drafted administrative rule language.

Proposed Motion: I move the Fish and Wildlife Commission propose administrative rule language and provide the public an opportunity to comment on the demographic objectives adopted from the Conservation Strategy for the Grizzly Bear in the Northern Continental Divide Ecosystem.